

DATE: April 13, 2005

TOPIC: Gulfco Marine Superfund Site

BACKGROUND:

The Gulfco Marine Maintenance site is a former barge cleaning facility consisting of approximately forty acres containing wetlands located adjacent to a residential neighborhood on the Intracoastal Canal near Freeport, Texas. The site was final listed on the National Priorities list (NPL) in May 2003. On July 14, 2004 EPA sent the Potentially Responsible Parties (PRPs) Dow, Sequa, and LDL Coastal a Special Notice inviting them to enter into negotiations to perform a Remedial Investigation/Feasible Study (RI/FS) at the site.

Toward the end of RI/FS negotiations the PRPs refused to sign an agreement to perform the RI/FS and requested that the site be removed from the NPL and returned to the State in order to be cleaned up under the Texas Voluntary Cleanup Program (VCP). In a letter dated March 1, 2005 Rick Perry, Governor of Texas, requested that the Regional Administrator allow the site to be addressed under the State VCP. After several meetings at Division level the PRPs met with the Regional Administrator on March 7, and April 1, 2005 to discuss addressing the site using appropriate State authority with minimum EPA requirement in order to facilitate NPL deletion.

CURRENT STATUS:

The Regional Administrator informed the Governor in a letter dated April 13, 2005 that he believes a federal cleanup via an Administrative Order on Consent is the most expeditious way to address the site. The Administrator requested an outline of an investigation and cleanup that would take into account EPA's oversight role, public participation, and assurance that all appropriate response actions are completed, as well as a cleanup that is consistent with NPL actions. The PRPs agreed to submit a work plan addressing the issues outlined by the Administrator.

TECHNICAL CONCERNS:

The cleanup may be complicated by non-aqueous phase liquids (DNAPL) in ground water under the former waste impoundments. Additionally, the Memorandum of Understanding between EPA and the Texas Commission on Environmental Quality expressly prohibits addressing NPL sites under the VCP.

FUTURE/RECOMMENDED ACTIONS:

EPA will attempt to negotiate a Consent Order with the PRPS for investigation and removal. If unsuccessful will consider other actions including issuing a unilateral Order.

CONTACT/ TELEPHONE NUMBER:

Carl Bolden (Enforcement First Coordinator) 214 - 665- 6713

